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**BEFORE THE  
RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1H-2007-667

DEBORAH LIANNE GATTI, R.C.P.  
2195 Station Village Way, #1334  
San Diego, CA 92108

**A C C U S A T I O N**

Respiratory Care Practitioner License No. 26923

Respondent.

Complainant alleges:

**PARTIES**

1. Stephanie Nunez (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Respiratory Care Board of California, Department of Consumer Affairs.

2. On or about November 8, 2007, the Respiratory Care Board issued Respiratory Care Practitioner License Number 26923 to DEBORAH LIANNE GATTI, R.C.P. (Respondent). The Respiratory Care Practitioner License was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2010, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Respiratory Care Board (Board),  
3 Department of Consumer Affairs, under the authority of the following laws. All section  
4 references are to the Business and Professions Code (Code) unless otherwise indicated.

5 4. Section 3710 of the Code states in pertinent part:

6 “The Respiratory Care Board of California, hereafter referred to as the board, shall  
7 enforce and administer this chapter [Chapter 8.3, the Respiratory Care Practice Act].”

8 5. Section 3718 of the Code states: “The board shall issue, deny, suspend,  
9 and revoke licenses to practice respiratory care as provided in this chapter.”

10 6. Section 822 of the Code states:

11 “If a licensing agency determines that its licentiate’s ability to practice his or her  
12 profession safely is impaired because the licentiate is mentally ill, or physically ill affecting  
13 competency, the licencing agency may take action by any one of the following:

14 “(a) Revoking the licentiate’s certificate or license.

15 “(b) Suspending the licentiate’s right to practice.

16 “(c) Placing the licentiate on probation.

17 “(d) Taking such other action in relation to the licentiate as the licensing  
18 agency deems proper.

19 “...”

20 **COST RECOVERY**

21 7. Section 3753.1 of the Code states:

22 “(a) An administrative disciplinary decision imposing terms of probation may  
23 include, among other things, a requirement that the licensee-probationer pay the monetary  
24 costs associated with monitoring the probation.

25 **CAUSE FOR ACTION**

26 (Impairment Due to Mental Illness and/or Physical Illness)

27 8. Respondent’s Respiratory Care Practitioner license No. 26923 is subject to  
28 action under section 822 of the Code in that she is unable to practice her profession safely due to

1 mental illness and/or physical illness. The circumstances are as follows:

2           A.     In 1997, Respondent was arrested, in the State of Oregon, for driving  
3           under the influence of an intoxicant. Later that same year, Respondent, who was  
4           extremely intoxicated, was arrested for domestic violence resulting in physical injury.  
5           Respondent entered into a treatment program for alcohol and cocaine dependency which  
6           she completed on or about May 1, 1998.

7           B.     Respondent suffered a relapse and, subsequently, moved to San Diego  
8           County. On or about August 26, 2003, Respondent entered into a drug and alcohol  
9           rehabilitation program at Kaiser Permanente in San Diego. Respondent completed the  
10          rehabilitation program on or about June 16, 2005.

11          C.     On or about July 2, 2007, on the referral of her psychotherapist,  
12          Respondent began treating with a psychiatrist who diagnosed Respondent with Panic  
13          Disorder, Major Depressive Disorder and Post-Traumatic Distress Syndrome.

14          D.     On or about October 21, 2007, police responded to a domestic violence  
15          incident at Respondent's residence. Respondent had called the police to report that she  
16          and her husband had been fighting and that he ripped her clothes and threw her on the  
17          ground.

18          E.     While Respondent was being interviewed about the domestic violence, the  
19          interviewing officer noticed that Respondent's speech was slurred but coherent.  
20          Respondent's nightgown was torn in the shoulder area of the garment and there was a  
21          small bruised area on her left calf. Respondent stated that she and her husband had been  
22          fighting all day and that her husband threatened to divorce her. She further stated, that  
23          while she was on the phone, her husband tried to take the phone away and during the  
24          struggle her husband either kicked or punched her in the calf.

25          F.     When the police officer told Respondent that her husband was going to be  
26          arrested, Respondent recanted her statement and told the officer to arrest her for filing a  
27          false police report. Respondent asked to get dressed before she went to jail. She  
28          removed her nightgown and hid in the closet. Respondent refused to allow the police

1 officer to photograph the injury to her leg and refused to cooperate at any level regarding  
2 the investigation because she did not want to destroy her husband's career. The police  
3 officers formulated a plan to arrest Respondent's husband without her knowledge to  
4 prevent Respondent from becoming violent.

5 G. Respondent's husband was interviewed. He told the police officer that he  
6 and Respondent had been arguing and fighting for most of the day and Respondent had  
7 taken some medication and was heavily under the influence. He also told the police  
8 officer that Respondent was having problems walking and was stumbling around the  
9 apartment and, at one point, stumbled and almost fell and that he had grabbed Respondent  
10 by the nightgown to prevent her from falling. He denied harming or hitting Respondent.

11 H. On or about April 26, 2008, Respondent was evaluated by Alan A.  
12 Abrams, M.D. pursuant to an ordered psychiatric examination. Dr. Abrams specializes in  
13 psychiatry and neurology, and addiction psychiatry. Dr. Abrams confirmed Respondent's  
14 history of alcohol, cocaine, and sedative abuse. Dr. Abrams also stated that Respondent  
15 is a "troubled person who has used drugs, both illicit and prescribed, to regulate her  
16 problems with mood and anxiety." He diagnosed her with anxiety, panic disorder with  
17 agoraphobia, and dysthymic disorder.<sup>1</sup>

18 I. Dr. Abrams opined that in order for Respondent to be able to practice  
19 respiratory care safely, she must not use sedative prescribed drugs such as Topamax and  
20 Valium. Respondent must also inform her doctors that she cannot practice respiratory  
21 care if she is being prescribed sedatives, and that she should be monitored to determine if  
22 she is being prescribed any sedatives. In addition, any currently prescribed sedative  
23 medications must be changed to non-sedative medications. Dr. Abrams also opined that  
24 Respondent continue with substance abuse rehabilitation, attend 12 steps meetings,  
25 undergo random urinalysis testing, and continue in mental health treatment with a

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26  
27 1. A chronic condition characterized by depressive symptoms that occur for most of the  
28 day, more days than not, for at least 2 years.

1 psychiatrist and psychotherapist until the treating psychiatrist and psychotherapist  
2 recommends discontinuance of treatment.

3 **PRAYER**

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
5 alleged, and that following the hearing, the Respiratory Care Board issue a decision:

6 1. Revoking or suspending Respiratory Care Practitioner Certificate Number  
7 26923, heretofore issued to DEBORAH LIANNE GATTI, R.C.P.;

8 2. Taking action as authorized by section 822 of the Code as the Board, in its  
9 discretion, deems necessary and proper;

10 3. Ordering DEBORAH LIANNE GATTI, R.C.P., if placed on probation, to  
11 pay the Respiratory Care Board the costs of probation monitoring; and

12 4. Taking such other and further action as deemed necessary and proper.

13  
14 DATED: August 14, 2008

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16  
17 Original signed by Liane Zimmerman for:  
18 STEPHANIE NUNEZ  
19 Executive Officer  
20 Respiratory Care Board of California  
21 Department of Consumer Affairs  
22 State of California  
23 Complainant  
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